

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IN RE: RICHARD PETER NOVICELLI,
Debtor.

Case No. 2:10-CV-1150-KJD-PAL

ORDER

RICHARD PETER NOVICELLI,
Appellant,
v.
MIDFIRST BANK,
Appellee.

Presently before the Court is Debtor's Motion for Stay of Enforcement and Execution Pending Appeal from Order Terminating Automatic Stay (#7). Appellee filed a response in opposition (#15) to which Debtor replied (#16). The Court also considered the Transcript of Hearing (#23) from the Bankruptcy Court hearing on Debtor's motion to stay enforcement of the Bankruptcy's order terminating automatic stay. The Bankruptcy Court denied Debtor's motion to stay.

Having read and considered Debtor's motion and all briefing contained in the record before this Court, the Court denies Appellant's motion for stay because Appellant is unlikely to succeed on

1 the merits of his appeal. Furthermore, Appellant is ordered to file his opening brief no later than
2 12:00 p.m., Tuesday, March 29, 2011.

3 Accordingly, IT IS HEREBY ORDERED that Debtor's Motion for Stay of Enforcement and
4 Execution Pending Appeal from Order Terminating Automatic Stay (#7) is **DENIED**;

5 IT IS FURTHER ORDERED that Appellant file his opening brief no later than 12:00 p.m.,
6 Tuesday, March 29, 2011.

7 DATED this 21st day of March 2011.

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11 Kent J. Dawson
12 United States District Judge
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